

REMARKS

Claims 1-41 are pending. Claims 40-41 were added herein. Entry of the amendment is respectfully requested. No new matter has been added. Claim 40 finds support in claim 4. Claim 41 finds support in claims 10 and 23. Reconsideration is requested.

Claim status

Claims 2-5, 16, 20, 28, 30-32, and 34 were deemed allowable.

Claims 1, 6-15, 17-19, 21-27, 29, 33, and 35-38 were rejected as being anticipated by Stinson (US 6,149,056).

For reasons already explained in the record, the current status of claim 39 is unclear.

Applicant traverses the rejections

Applicant respectfully disagrees with the rejections. Nevertheless, the amendment has been provided to further distinguish claims from the prior art and to advance prosecution toward indicated allowance.

Applicant's prior arguments remain pertinent and thus are herein incorporated by reference. For example, how can Stinson anticipate the claims when Stinson does not even teach, mention, or need "electronic signature"? It follows that the rejections, in view of the person of ordinary skill in the art of patent prosecution, appear to be nothing more than a legally improper attempt to collusively apply an "obviousness" rejection through the back door. The Examiner's review of *all* of Applicant's prior arguments of record (including those made in the rehearing requests to the BPAD) is respectfully requested, especially in light of the claim amendments herein.

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The declaration pursuant to 37 C.F.R. § 1.132 submitted herewith

The declaration is from a person with actual knowledge of the relevant art and level of ordinary skill in the art of automated banking machines at the time of the present invention. The declaration establishes that Stinson does *not* provide any teaching to the person of ordinary skill in the art at the time of the present invention to have produced the claimed invention. The declaration provides evidence that Stinson does *not* teach operating an automated banking machine to:

- receive at least one input from a user of the machine indicative that the user agrees that the user's electronic signature shall include data corresponding to at least one image of at least a portion of the user (claim 1);
- receive at least one agreement input from a user of the machine indicating agreement from the user that an electronic signature of the user for purposes of providing legal effect to a document shall include data corresponding to at least one user input to the machine (claim 17);
- cause at least one output device to ask a user of the machine if the user agrees that image data corresponding to at least one imaged portion of the user shall constitute an electronic signature of the user for purposes of signing a document, and
 - receive from the user at least one user input indicating agreement by the user that the image data shall constitute an electronic signature of the user for purposes of signing the document (claim 26);

- receive agreement from a user of the machine that at least one image of the user constitutes a legally binding electronic signature of the user for purposes of processing a check, and
 - correlate the check with at least one user image as the electronic signature of the user for purposes of processing the check (claim 36);
- produce at least one output requesting a user of the machine to authorize having user identity data serve as an electronic signature of the user,
 - receive from the user via at least one user input to the machine,
 - authorization to have user identity data serve as an electronic signature of the user,
 - and
 - link obtained user identity data to a document to which a signature of the user has legal significance, wherein the user identity data is linked so as to serve as the electronic signature of the user for the document (claim 37);
- ask a user of the machine if the user agrees to having an electronic signature of the user include a visual representation of at least a portion of the user,
 - receive from the user, agreement to having an electronic signature of the user include a visual representation of at least a portion of the user,
 - obtain the visual representation, and
 - cause the visual representation to be applied to a document in achieving legal effect to the document (claim 40).

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It is well settled that "weight ought to be given to a persuasively supported statement of one skilled in the art". *In re Lindell*, 385 F.2d 453, 155 USPQ 521 (CCPA 1967). Applicant respectfully submits that the declaration provides such a statement. Thus, Applicant respectfully submits that the declaration negates the Office's allegations of anticipation.

Conclusion

Applicant respectfully submits that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the Application at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 Broadway
Medina, Ohio 44256
(330) 721-0000
Customer No. 28995